
OLR Bill Analysis

sSB 847

AN ACT CONCERNING SEXUAL VIOLENCE ON COLLEGE CAMPUSES.

SUMMARY:

This bill requires public and private institutions of higher education to adopt and disclose a policy on sexual assault and intimate partner violence. The policy must include provisions for (1) providing information to students and employees about their options for assistance if they are victims of such violence, (2) disciplinary procedures, and (3) possible sanctions. Institutions must include the policy in their uniform campus crime report, which is produced annually and made available to students, employees, and applicants for admission.

The bill also requires institutions, within existing budgetary resources, to offer (1) sexual assault and intimate partner violence primary prevention and awareness programming for all students and employees and (2) ongoing prevention and awareness campaigns.

EFFECTIVE DATE: July 1, 2011

INSTITUTION POLICY

Policy Requirements

The bill requires institutions of higher education to adopt and disclose a policy on sexual assault and intimate partner violence. Under the bill, “sexual assault” means 1st, 2nd, 3rd, and 4th degree sexual assault as defined by law, as well as aggravated 1st degree sexual assault and 3rd degree sexual assault with a firearm as defined by law. “Intimate partner violence” means any physical, sexual, or psychological harm against an individual by a current or former spouse or by a partner in a dating relationship that results from (1) sexual assault as defined above; (2) sexual assault in a spousal or

cohabiting relationship as defined by law; and (3) domestic violence and 1st, 2nd, and 3rd degree stalking as defined by law.

The policy must have a provision for providing contact information for and, if requested, professional assistance to students and employees in accessing and using campus, local advocacy, counseling, health, mental health, and legal assistance services.

It must also have a provision for providing written information about a victim's rights to (1) notify law enforcement and receive assistance from campus authorities and (2) obtain a protective order, apply for a temporary restraining order, or seek enforcement of an existing order. Such orders include (1) standing criminal protective orders; (2) protective orders issued in cases of stalking, harassment, sexual assault, risk of injury to, or impairing the morals of a child; (3) temporary restraining orders or protective orders prohibiting the harassment of a witness; (4) relief from physical abuse by family or household member or person in dating relationship; and (5) family violence protective orders.

Additionally, the policy must include provisions for:

1. notifying students and employees of available assistance from the institution and reasonably available options for changing academic, living, transportation, or working situations;
2. honoring lawful or temporary restraining orders;
3. disclosing the range of possible sanctions that the institution may impose;
4. detailing the procedures to follow after the commission of such violence, including persons or agencies to contact and information on the importance of preserving physical evidence; and
5. summarizing the institution's disciplinary procedures.

Disciplinary Procedures

The summary of the institution's disciplinary procedures must include clear statements advising students and employees that (1) accusers can request that disciplinary proceedings begin promptly and (2) the proceedings must (a) be conducted by an official trained in issues relating to sexual assault and intimate partner violence and (b) use the preponderance of the evidence standard (i.e., whether it is more likely than not that the alleged incident occurred).

Additionally, the statements must provide that both the accuser and the accused are entitled to:

1. be accompanied to any meeting or proceeding by an advisor of their choice,
2. present evidence and witnesses on their behalf,
3. be informed in writing of the results no later than one business day after the proceeding concludes, and
4. have their identities kept confidential by the institution to the extent allowed by state law.

PREVENTION AND AWARENESS PROGRAMMING

The bill requires institutions, within existing budgetary resources, to offer sexual assault and intimate partner violence primary prevention and awareness programming for all students and employees. The programming must (1) explain the definition of consent in sexual relationships and (2) provide information on the reporting of such assaults and violence, bystander intervention, and risk reduction. Institutions must also offer ongoing prevention and awareness campaigns.

Under the bill, "awareness programming" is designed to communicate the prevalence of sexual assault and intimate partner violence, including the nature and number of cases reported at each institution in the preceding three calendar years. "Primary prevention programming" is intended to prevent such violence before it occurs by changing social norms and other approaches.

BACKGROUND

Legislative History

The Senate referred the bill (File 639) to the Appropriations Committee, which reported a substitute that required the prevention and awareness programming to be provided within existing budgetary resources.

COMMITTEE ACTION

Higher Education and Employment Advancement Committee

Joint Favorable Substitute

Yea 17 Nay 0 (02/22/2011)

Judiciary Committee

Joint Favorable

Yea 42 Nay 0 (04/14/2011)

Appropriations Committee

Joint Favorable Substitute

Yea 51 Nay 0 (05/10/2011)